

REMARKS

Favorable reconsideration of this application, in light of the preceding amendments and following remarks, is respectfully requested.

Claims 1, 15-20, 24-25, 29-30, 34-35, 39-40, and 53-57 are pending in this application. Claims 1, 15-20, and 53 are amended. Claims 2-14, 21-23, 26-28, 31-33, 36-38, and 41-52 are canceled.

Claim 1, as amended, recites the features of dependent claim 13 (now canceled). Claim 17, as amended, recites the features of dependent claim 43 (now canceled). Claim 18, as amended, recites the features of dependent claim 46 (now canceled). Claim 19, as amended, recites the features of dependent claim 49 (now canceled). Claim 20, as amended, recites the features of dependent claim 52 (now canceled). Claims 15 and 16 are amended to overcome formality issues under 35 U.S.C. § 112. The Applicants submit that because the independent claims have been amended to include the subject matter of formally dependent claims, that the amendments do not raise any issues which require further search and/or consideration.

Claim Rejections under 35 U.S.C. § 112

The Examiner rejects claims 13, 15, 16 and 53 under 35 U.S.C. § 112, second paragraph, alleging there is insufficient antecedent basis for the limitation “physical computer readable medium.” The Applicants thank the Examiner for pointing out this error and have amended claims 15, 16, and 53 to recite “recording medium” rather than “physical computer readable medium”. Claim 13 is canceled, accordingly, the Applicants submit the grounds for rejecting claim 13 under 35 U.S.C. § 112, second paragraph, are moot.

For at least the reasons provided above, the Applicants respectfully request the rejection of claims 13, 15, 16, and 53 under 35 U.S.C. § 112, second paragraph, be withdrawn.

Claim Rejections under 35 U.S.C. § 103

Claims 1, 13, 15-20, 24, 25, 29, 30, 34, 35, 39, 40, 43, 46, 49, and 52-57 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Kashiwagi et al. (U.S. Publication Number 2004/0179820) in view Murase et al. (U.S. Patent No. 6,285, 826), in further view of Kato (U.S. Publication Number 2005/0025461). The Applicants respectfully traverse.

Initially, the Applicants note that independent claim 1 is amended to incorporate the features of claim 13 (now canceled). In other words, claim 1, as amended, recites “wherein the playitem includes duration information indicating whether to display the still images for one of a finite and an infinite period of time.” The Applicants submit at least this feature distinguishes claim 1 from the combination of Kashiwagi, Murase, and Kato.

The Kato document discloses a playlist file including at least one playitem. As shown in FIG. 32 of Kato's disclosure, Kato's playitem includes the following fields: Clip_information_file_name, STC_sequence_id, IN_time, Out_time, connection_condition, and BridgeSequenceInfo(). The Clip_information_file_name specifies the filename of a Clip file and the IN_time and Out_time fields specify the playback domain of the Clip. The STC_sequence_id is referenced by the IN_time and Out_time in a case where the CPI_type defined in the Playlist is EP_map type, and the Connection_Condition indicates the connection condition of previous PlayItem and a current Playitem (see paragraph [0286]). However, none of these fields indicate or

include “**duration information indicating whether to display the still images for one of a finite and an infinite period of time**,” as recited in claim 1. Accordingly, the Applicants submit Kato cannot be relied on for disclosing the playitem including the aforementioned feature in claim 1.

The Examiner has not alleged, nor can the Applicants find, a playitem including “**duration information indicating whether to display the still images for one of a finite and an infinite period of time**,” as recited in claim 1, disclosed by Murase. Accordingly, the Applicants submit Murase cannot be relied on for teaching, suggesting, or disclosing a playitem including “**duration information indicating whether to display the still images for one of a finite and an infinite period of time**” as recited in claim 1.

The Examiner, on page 4 of the Office Action, alleges Kashiwagi discloses “**wherein the playitem includes duration information indicating whether to display the still images for one of a finite and an infinite period of time**,” as recited in claim 1, and relies on paragraphs [0142] and [0224] and FIG. 20 for support.

In its entirety, paragraph [0142] recites:

Based on this system clock St79, the decoding system controller 2300 also generates the stream read signal St65 at a specific interval and outputs the read signal St65 to the stream buffer 2400. Based on the supplied read signal St65, the stream buffer 2400 outputs the reproduced bitstream St61 at a specific interval to the system decoder 2500 as bitstream St67.

Nothing in this paragraph teaches or suggests a playitem having duration information much less “**duration information indicating whether to display the still images for one of a finite and an infinite period of time**,” as recited in claim 1. Rather,

this paragraph merely discusses generating and outputting a stream read signal to a stream buffer which uses that signal to output a bitstream to a decoder.

In its entirety, paragraph [0224] recites:

The "cells" referenced here may be all or part of the system stream, and are used as access points during playback. Cells can therefore be used, for example, as the "chapters" into which a title may be divided.

Nothing in this paragraph teaches or suggests a playitem having duration information much less "**duration information indicating whether to display the still images for one of a finite and an infinite period of time,**" as recited in claim 1. Rather, this paragraph merely discusses Kashiwagi's cells in relation to the system stream and that that they can be used as access points that may be used during playback or that they may be used as chapters.

FIG. 20 illustrates a navigation-pack NV structure which includes a pack header as well as a PCI and DSI packet. FIG. 20 illustrates several fields including address information, playback information, angle information for seamless reproduction, etc. However, none of these fields disclose information which may indicate "**duration information indicating whether to display the still images for one of a finite and an infinite period of time,**" as recited in claim 1, let alone a playitem including this information. Accordingly, the Applicants submit FIG. 20 does not disclose information which would render the playitem recited in claim 1 obvious.

In short, none of the cited portions of the Kashiwagi document teach, suggest, or disclose a playitem including "**duration information indicating whether to display the still images for one of a finite and an infinite period of time,**" as recited in claim 1. However, the Examiner contends:

by serving as access point it automatically sets the playback (display) duration. Setting duration is inherent characteristic of Kashiwagi in that

any image reproduced takes up a preset time interval (display life time) on the screen regardless of finite or infinite).

The Applicants point out that in order for an Examiner to establish that a certain feature is inherent in a disclosure “the examiner must provide a basis in fact and/or technical reasoning to reasonably support the determination that the allegedly inherent characteristic **necessarily** flows from the teachings of the applied prior art.” *Ex parte Levy*, 17 USPQ2d 1461, 1464 (Bd. Pat. App. & Inter. 1990) (emphasis in original) (please also see MPEP § 2112(IV)). Additionally, the Applicants note that “[t]he fact a certain result or characteristic **may** occur or be present in the prior art is not sufficient to establish inherency of that result or characteristic.” *In re Rijckaert*, 9 F.3d 1531, 1534, 28 USPQ2d 1955, 1957 (Fed. Cir. 1993) (see also MPEP § 2112 (IV)). The Examiner has not asserted that Kashiwagi **requires** a playitem including “**duration information indicating whether to display the still images for one of a finite and an infinite period of time,**” as recited in claim 1, or that such a feature **necessarily** flows from Kashiwagi’s disclosure, rather, the Examiner merely asserts, without any evidence, that Kashiwagi teaches duration information is an inherent characteristic of Kashiwagi. Accordingly, the Applicants respectfully submit that the Examiner has failed to properly satisfy the burden of proof associated with proving inherency.

Even if the cell information could be relied on for disclosing “duration information indicating whether to display the still images for one of a finite and an infinite period of time,” as recited in claim 1 (which is not admitted). The Applicants note that none of the cited art teach, suggest, or disclose, “a management area storing at least one playlist file, the playlist file including at least one playitem...**wherein the**

playitem includes duration information indicating whether to display the still images for one of a finite and an infinite period of time."

For at least the reasons given above, the Applicants respectfully request the rejection of claim 1, and all claims which depend thereon, under 35 U.S.C. § 103 as being obvious over the combination of Kashiwagi, Murase, and Kato be withdrawn.

For somewhat similar reasons, the Applicants respectfully request the rejection of claims 17-20, and all claims which depend thereon, under 35 U.S.C. § 103 as being obvious over the combination of Kashiwagi, Murase, and Kato be withdrawn.

CONCLUSION

Accordingly, in view of the above amendments and remarks, reconsideration of the objections and rejections and allowance of each of the pending claims of the present application is earnestly solicited.

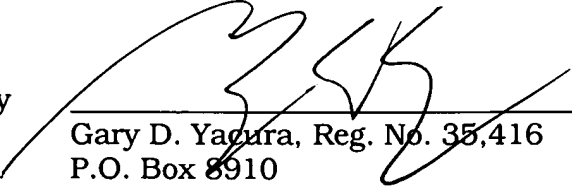
Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact the undersigned below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

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